

**A SUBSTITUTE RESOLUTION BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO SIGN AN AMICUS CURAE BRIEF ("FRIEND OF THE COURT BRIEF") IN SUPPORT OF AN APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT WHICH SEEKS TO UPHOLD THE "PAT- DOWN" POLICY ADOPTED BY THE NATIONAL FOOTBALL LEAGUE ("NFL") AND IMPLEMENTED AT FACILITIES WHERE NFL GAMES ARE PLAYED FOR SAFETY AND SECURITY PURPOSES; AND FOR OTHER PURPOSES.**

**WHEREAS**, in the year 2001, the United States experienced a terrorist attack within its own borders and the government instituted several initiatives to make the homeland secure; and

**WHEREAS**, in the year 2003, terrorist activities continued abroad including a terrorist act which lead to a subway bombing in London, England; and

**WHEREAS**, in the year 2003, NFL adopted and implemented a "Pat-Down" policy of all game attendees entering NFL stadiums as a comprehensive stadium security plan to enhance the safety and security of all attendees; and

**WHEREAS**, in the year 2003, the Georgia Stadium Authority implemented the NFL's "Pat-Down" policy of game attendees entering the Georgia Dome for the aforesaid safety and security reasons; and

**WHEREAS**, a lawsuit was filed against the Tampa Sports Authority in the United States District Court for the Middle District of Florida, Tampa Division ("District Court") that alleged that the NFL's "Pat-Down" policy of game attendees was unconstitutional; and

**WHEREAS**, the District Court ruled that the NFL's "Pat-Down" policy was in fact unconstitutional, and the Tampa Sports Authority has appealed the District Court's decision to the United States Court of Appeals for the Eleventh Circuit ; and

**WHEREAS**, the Georgia Dome is located within the City's jurisdiction and the City has a significant interest in deterring terrorist attacks, ensuring public safety at major social events, and effectively managing large crowds; and

**WHEREAS**, the NFL has requested the City of Atlanta and other major cities, which have public stadiums, to support this initiative in the interest of public safety; and

**WHEREAS**, the City desires to sign an amicus curae brief, also known as a “friend of the court brief”, that will be submitted to the United States Court of Appeals for the Eleventh Circuit in support of the appeal and in support of the “Pat- Down” policy.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the City Attorney is hereby authorized to sign an amicus curae brief, on behalf of the City of Atlanta, supporting the appeal to overturn the District Court’s ruling, in the case styled, Gordon Johnston v. Tampa Sports Authority, and Henry G. Saavedra, in his official capacity as Executive Director of the Tampa Sports Authority, in the United States District Court for the Middle District of Florida, Tampa Division, Case No.: 8:05-CV-2191-T27-MAP, that the “Pat-Down” policy of game attendees entering NFL stadiums for safety and security purposes was unconstitutional.

**A RESOLUTION BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO SIGN AN AMICUS CURAE BRIEF ("FRIEND OF THE COURT BRIEF") SUPPORTING THE NATIONAL FOOTBALL LEAGUE'S ("NFL") APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT SEEKING TO OVERTURN AN UNITED STATES DISTRICT COURT'S RULING THAT THE NFL'S "PAT-DOWN" POLICY OF GAME ATTENDEES ENTERING NFL'S STADIUMS FOR SAFETY AND SECURITY PURPOSES WAS UNCONSTITUTIONAL; AND FOR OTHER PURPOSES.**

**WHEREAS**, in the year 2005, the NFL, in response to the terrorist subway bombing in London, England, implemented a "Pat-Down" policy of all game attendees entering NFL stadiums as a comprehensive stadium security plan to enhance the safety and security of all attendees; and

**WHEREAS**, in the year 2005, the Georgia Stadium Authority implemented the NFL's "Pat-Down" policy of game attendees entering the Georgia Dome for the aforesaid safety and security reasons; and

**WHEREAS**, a lawsuit was filed against the NFL in the United States District Court for the Middle District of Florida, Tampa Division ("District Court") that alleged that the NFL's "Pat-Down" policy of game attendees was unconstitutional; and

**WHEREAS**, the District Court ruled that the NFL's "Pat-Down" policy was in fact unconstitutional, and the NFL appealed the District Court's decision to the United States Court of Appeals for the Eleventh Circuit; and

**WHEREAS**, the Georgia Dome is located within the City's jurisdiction and the City has a significant interest in deterring terrorist attacks, ensuring public safety at major social events, and effectively managing large crowds; and

**WHEREAS**, the City desires to sign an amicus curae brief, also know as a "friend of the court brief" that will be submitted to the United States Court of Appeals for the Eleventh Circuit ("Court"), petitioning the court to overturn the District Court's ruling that the NFL's "Pat-Down" policy is unconstitutional.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the City Attorney is hereby authorized to sign an amicus curae brief, on behalf of the City of Atlanta, supporting the NFL's appeal to overturn the District Court's ruling, in the case styled, Gordon Johnston v. Tampa Sports Authority, and Henry G. Saavedra, in his official capacity as Executive Director of the Tampa Sports Authority, in the United States Court for the Middle District of Florida, Tampa Division, Case No.: 8:05-CV-2191-T27-MAP, that the NFL's "Pat-Down" policy of game attendees entering NFL's stadiums for safety and security purposes was unconstitutional.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Public Safety and Legal Administration Committee

**Caption:** A RESOLUTION AUTHORIZING THE CITY ATTORNEY, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO SIGN AN AMICUS CURAE BRIEF ("FRIEND OF THE COURT BRIEF") SUPPORTING THE NATIONAL FOOTBALL LEAGUE'S ("NFL") APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT SEEKING TO OVERTURN AN UNITED STATES DISTRICT COURT'S RULING THAT THE NFL'S "PAT-DOWN" POLICY OF GAME ATTENDEES ENTERING NFL'S STADIUMS FOR SAFETY AND SECURITY PURPOSES WAS UNCONSTITUTIONAL; AND FOR OTHER PURPOSES.

**Council Meeting Date:** October 2, 2006

**Requesting Dept.:** Law Department

**B. To be completed by the department :**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to give authorization to the City Attorney to sign an Amicus Curae Brief supporting the National Football League's ("NFL") appeal to the United States Court of Appeal for the Eleventh Circuit Court seeking to overturn an United States District Court's ruling that the NFL's "pat-down" policy of game attendees entering NFL stadiums for safety and security purposes was unconstitutional.

**2. Please provide background information regarding this legislation.**

In 2005, in response to the terrorist subway bombing in London England, the NFL implemented a "pat-down" policy. Plaintiff(s) brought suit against the NFL in which the "pat-down" policy was ruled unconstitutional. The NFL is seeking to appeal the decision of the Court and the City of Atlanta desires to prepare and sign an Amicus Curae Brief in support of the Appeal on the grounds of public safety and security purposes.

**3. If Applicable/Known:**

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A

- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** N/A
- 4. **Fund Account Center:** N/A
- 5. **Source of Funds:** N/A
- 6. **Fiscal Impact:** None
- 7. **Method of Cost Recovery:** N/A

**This Legislative Request Form Was Prepared By: Terry Grandison/Department of Law**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): TERRY GRANDISON

Contact

Number: 6946

Originating Department: Police

Committee(s) of Purview Public Safety and Legal Administration

Council

Deadline: 9/25/06

Committee Meeting Date(s): 10/10 -10/11 Full Council Date: 10/16/06

Commissioner Signature [Signature]

CAPTION

A RESOLUTION AUTHORIZING THE CITY ATTORNEY, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO SIGN AN AMICUS CURAE BRIEF ("FRIEND OF THE COURT BRIEF") SUPPORTING THE NATIONAL FOOTBALL LEAGUE'S ("NFL") APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT SEEKING TO OVERTURN AN UNITED STATES DISTRICT COURT'S RULING THAT THE NFL'S "PAT-DOWN" POLICY OF GAME ATTENDEES ENTERING NFL'S STADIUMS FOR SAFETY AND SECURITY PURPOSES WAS UNCONSTITUTIONAL; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by Mayor's Office: 9/29/06

(date)

Reviewed by: [Signature]

(date)

Submitted to Council: 9/29/06

(date)